



**FEDERAL ELECTION COMMISSION**

Washington, D.C. 20463

FEDERAL ELECTION  
COMMISSION  
SECRETARIAT

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JUN 4 2009

**SENSITIVE**

**MEMORANDUM**

**TO:** The Commission

**FROM:** Thomasenia P. Duncan  
General Counsel

Ann Marie Terzaken  
Associate General Counsel for Enforcement

Kathleen M. Guith  
Deputy Associate General Counsel  
for Enforcement

**BY:** Peter G. Blumberg *PGB*  
Assistant General Counsel

Wanda D. Brown *WDB*  
Attorney

**SUBJECT:** MUR 5833 (Ohio Democratic Party)

Attached is a proposed conciliation agreement signed by counsel on behalf of the Ohio Democratic Party and Dean DePiero, in his official capacity as treasurer ("Respondents"). The proposed agreement would settle violations of 2 U.S.C. §§ 441d, 434(b)(4)(H)(iii), (6)(B)(iii), and (g)(2) and 11 C.F.R. § 104.4(a) and (b)(2) in connection with Respondents' failure to include a proper disclaimer on a mailer stating whether it was authorized by a candidate or a candidate committee, and for failing to properly disclose the cost of the mailer as an independent expenditure.

RECOMMENDATIONS:

1. Accept the signed conciliation agreement with the Ohio Democratic Party and Dean DePiero, in his official capacity as treasurer;
2. Approve the appropriate letter; and
3. Close the file.

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